



CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 04/25/00

AGENDA ITEM 6

WORK SESSION ITEM

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Request to Local Area Formation Commission (LAFCo) for a Six Month Time Extension to Complete the Annexation of the East Oliver Parcel

RECOMMENDATION:

It is recommended that Council adopt the attached resolution requesting a six month time extension from LAFCo in order to complete the annexation of the East Oliver parcel.

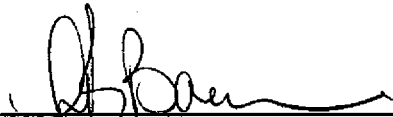
BACKGROUND:

In May 1999, the LAFCo approved the reorganization of the East Oliver parcel, detaching the parcel from Alameda County and the Alameda County Water District (ACWD) and attaching the parcel to the City of Hayward. ACWD's detachment was premised upon the City fulfilling two conditions. One is to negotiate an agreement describing the roles and responsibilities of the City and ACWD regarding hazardous materials issues that could have an impact upon the deep aquifer below the East Oliver parcel. The second requirement is that the City update its Well Ordinance, adding the latest fees for wells in this area and describing how those fees will be collected for ACWD.


The City has not yet formalized the Hazardous Materials Agreement ACWD and completed revision of the Well Ordinance. Although a time limit was not included in the LAFCo Resolution approving the reorganization, LAFCo staff have informed the City that that reorganizations must be completed within one year or a time extension must be obtained. Therefore, City staff is requesting that Council adopt the attached Resolution.

Activities are underway to work with ACWD to reach mutual agreement on the Hazardous Materials Agreement while simultaneously revising the Well Ordinance. It is anticipated that both of these documents would be presented to City Council on May 9, 2000 for consideration and adoption. Since there are additional requirements for adoption of the Ordinance, we expect the Ordinance adoption to be completed by the end of May. Although the proposed schedule is very tight, the Resolution requests a six month extension from LAFCo. This is to ensure that, if needed, the City and the ACWD have sufficient time to review and revise both documents to the satisfaction of all parties involved. If Council adopts the Resolution, it will be placed on the May 18th LAFCo Agenda.

Prepared by:


Ann R. Bauman, Neighborhood and
Economic Development Manager

Recommended by:

for 
Sylvia Ehrental, Director of Community
and Economic Development

Approved by:


Jesus Armas, City Manager

Resolution

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Om 4-20-00

Introduced by Council Member _____

**RESOLUTION AUTHORIZING THE FILING OF A
REQUEST FOR EXTENSION OF TIME TO COMPLY WITH
THE REQUIREMENTS OF ALAMEDA COUNTY LOCAL
AGENCY FORMATION COMMISSION RESOLUTION NO.
99-08 CONDITIONALLY APPROVING THE
REORGANIZATION OF THE "OLIVER EAST" PROPERTY
LOCATED IN THE SOUTH OF 92 PLANNING AREA**

WHEREAS, pursuant to the request of the owner of the "Oliver East" property, located in the South of 92 Planning Area, the City Council adopted Resolution No. 98-216 on December 15, 1998, authorizing the filing of a reorganization application with the Alameda County Local Agency Formation Commission ("LAFCO") in accordance with the Cortese-Knox Local Government Reorganization Act of 1985 (Government Code section 56000 et seq.), for reorganization of the "Oliver East" property, consisting of detachment from Alameda County and the Alameda County Water District and annexation of such property into the City of Hayward; and

WHEREAS, LAFCO adopted Resolution No. 99-08 on May 13, 1999, approving the reorganization of the "Oliver East" property, subject to certain conditions, including the requirements contained in Alameda County Water District ("ACWD") Resolution No. 99-034 adopted on April 22, 1999; and

WHEREAS, LAFCO staff indicates that LAFCO Resolution 99-08 is due to expire on May 13, 2000, and it is therefore necessary to ask LAFCO to authorize an extension of LAFCO Resolution No. 99-08 so that the City may comply with the conditions stated therein.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager to submit with LAFCO a request for a six month extension of time to comply with the conditions set forth in LAFCO Resolution No. 99-08 and ACWD Resolution No. 99-034 and to take such further actions which the City Manager deems necessary to pursue such request; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a certified copy of this resolution to LAFCO.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2000

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward